\* BEFORE THE IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE \* ZONING COMMISSIONER NE/S Anne Brent Garth, 430 ft. N c/l of Duddington Way \* OF BALTIMORE COUNTY #8 Anne Brent Garth 10th Election District \* Case No. 91-20-A 6th Councilmanic District Roger Scott Weinberg, et ux Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \* \*

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.1 Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (shed) to be located in the side yard in lieu of the required rear yard and to amend the last approved final development plan of Green Glade Woods, Section II, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as No. 8 Anne Brent Garth, zoned R.C.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to allow an accessory structure (shed) to be located in the side yard in lieu of the required rear yard and to amend the last approved development plan of Green Glade Woods, Section II.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the subject variance would adversely affect the health, safety and/or general welfare of the public.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the

requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24 day of Jugust 1990 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.1 Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (shed) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent the relief granted herein:

> The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

Zoning Commissioner / for Baltimore County

91-20-A

The location of the shed would be in line with the front of the house on the opposite side of the driveway. This is the flattest spot on that side of the property.

2. Placement of the shed in the requested location would still allow water runoff from the lower corner of the driveway into the rear yard.

3. Allowing us to place the shed on the side would allow the family easy access. Our property is too steep to place the shed in the lower portion of our property. The pitch of our property is about 1/3.

4. We don't want to put the shed at the end of the driveway behind the rear house line because:

a. The pitch is too steep and water runoff would cause erosion and structural damage to the shed.

b. The shed would be too close to the septic area or in it. c. It would require removal of a healthy 200-300 year old oak tree.

## **COMMENTS**

A) I have obtained approval from the community association and the closest neighbor, Keith and Margaret Brown. See attached letter.

B) Our property is located on a private road, and the shed would be located about 125 feet from this private road.

C) There would still be about 50 feet of woods between the shed and my neighbors lawn.

D) Materials of construction would match existing materials of house and be of quality workmanship (brick to grade, cedar siding and cedar roof, etc.)

E) There is only a 5 foot utility easement on that side of our property.

> Respectfully Submitted. Foger S. Weinberg

Zoning Description 91-20-A

Begining at a point west side of Anne Brent Garth which is 50' wide at the distance of 500' east of the centerline of the nearest improved intersecting street Dunnington Way which is 50' wide. Being Lot 7, Section 2, in the subdivision of Green Glade Woods as recorded in Baltimore County Plat Book 41 Folio 130 containing 4.69 acres. Also known as 8 Anne Brent Garth, Jacksonville Md. 21131 and located in the # 10 Election District.

Baltimore County Zoning Commisioner County Office Building 111 West Chesapeake Avenue

Account: R-001-6150

H9100016 FUBLIC HEARING FEES 010 -20NING -ARIANCE (IRL) \$35.00 080 -POSTING SIGNS / ADVERTISING 1 X

TOTAL: \$40.00 LAST NAME OF OWNER: WEINBERG

04A04#0039MICHRC 6A C003:42PM07-12-90 Please make checks payable to: Baltimore CounNEXT BUSINESS DAY

91-20# CERTIFICATE OF POSTING CONING DEPARTMENT OF BALTIMORE COUNTY Location of property: NELS Ann. Bront Garth, 430' N/Duddington Way - (8 Ann. Bront Gorth) Location of Signe Focing Anna Broat Gar H, epprox 5 Fr. 400 dwg on proports of P. t. tioner Number of Signe:

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

August 23, 1990



Mr. and Mrs. Roger Scott Weinberg 8 Anne Brent Garth Jacksonville, Maryland 21131

RE: Petition for Residential Zoning Variance Case No. 91-20-A

Dear Mr. Weinberg:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Zoning Commissioner

cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

The website and	"91-20-A
The undersigned, legal owner(s) of the the description and plat attached to	property situate in Baltimore County and which is described i
CSW ZSW 400.1	property situate in Beltimore County and which is described in made a part hereof, petition for a Variance from Section
(0) (1)	
To permit an accessory	building in the side yard in lieu of the required
Green Glade Woods, Section	10 look
of the Zoning Regulations of Baltimore County.	to the Zoning Law of Baltimore County, for the following reason:
(indicate hardship or practical difficulty)	the coning Law of Baltimore County, for the following reason:
See attached Sheets	= 2 10 K
and an old bridge	- NTE /1-18-9/
	ro Bt
Property is to be advertised and/or posted	as prescribed by Zonine Regulations
I, Or We. Beree to hav avnonger of at-	
Baltimore County adopted pursuant to the Zoning	to be bound by the zoning regulations and restrictions of Law for Baltimore County
	I/We do solemnly declare and "to:
	The state of Delivery that The state of the
Control of the contro	owner(s) of the property which is the subject of this Petition.
Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Roger Scott Weinberg
Signature	tore S. Wein
Address	Cheryl S. Weinhore
	Cheryl S. Weinberg
Elty/State/21p Code Attorney for Petitioner:	Stoneture Sweenber
,	Signature  Chery   Sween bery  Chery   Sween bery  Anne Brent Garth  8 Anne Brent Garth
(Type or Print Name)	8 Anne Brent Garth Tarksony (1) 1 - 12 Phone
Signature	Jacksonville Md. 21131
Address	·
1	Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
Attorney's telephone number	Name
	Address
DROERED by the Zoning Commissioner of Beltimore Count	the this // day of Subar as Co
petition be posted on the property on or before the	day of Aur 19 20
,	a Relat this
	ZONING CONTISSIONER OF BALTIMONE COUNTY
	$\nu$
A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO I	BE REQUIRED.
utter of this petition be advertised, as required by the Jam	iltimore County, this day of, 19, that the subject sing Lew of Baltimore County, in two newspapers of general circulation through-
and that	t the public hearing be had before the Zonice Completence of the
n Room 108, County Office Building in Towson, Baltimore C	County, on the day of, 19, at o'clock,
n.	0.C106K*

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

Accepte 7/12/90

Sug Post - 4/1/90

July 17, 1990

CONTINUE COUNTY

Dennis F. Rasmussen

Mr. & Mrs. Roger Scott Weinberg 8 Anne Brent Garth Jacksonville, Maryland 21131

Re: CASE NUMBER: 91-20-A

ITEM NUMBER: 10

LOCATION: 8 Anne Brent Garth

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 1, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is August 16, 1990). Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING

> > Very truly yours,

G. G. Stephens (301) 887-3391

# 10

## **AFFIDAVIT**

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE 91-20-A The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Affiant(s) // do presently or upon settlement will reside at \_\_\_\_\_\_ 8 Anne Brent Garth Jacksonville Md 21131

That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty) See Attached Sheets

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a Cheryl S Ween berg

Roger Scott Weinberg

AFFIANT (Printed Name)

Baltimore County, as follows:

regard thereto.

Chery Swendy Cheryl S. Weinberg AFFIANT (Printed Name)

STATE OF MARYLAND. COUNTY OF BALTIMORE, to wit:

ROBER S. WETNBERG + CHERYLS. WEWBERG

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Motarial Seal.

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke

JULY 20, 1990

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner:

Location:

ROGER SCOTT WEINBERG

#8 ANNE BRENT GARTH

Item No.: \*10

Zoning Agenda: JULY 31, 1990

Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Cut long 16th 7-14-90 Approved Captain Fire Prevention Bureau Special Inspection Division

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

July 31, 1990

Mr. & Mrs. Roger Scott Weinberg 8 Anne Brent Garth Jacksonville, MD 21131



RE: Item No. 10, Case No. 91-20-A Petitioner: Roger Scott Weinberg Petition for Residential Variance

Dear Mr. & Mrs. Weinberg:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

BALTIMORE COUNTY. MARYLAND

INTER-OFFICE CORRESPONDENCE

J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF

PROPERTY OWNER:Roger Scott Weinberg, et ux

Way (#8 Anne Brent Garth)

LOCATION: NE/S Anne Brent Garth, 430' N centerline of Duddington

( ) RAMPS (degree slope)

( ) CURB CUTS

( ) SIGNAGE

JULY 20, 1990

ZONING ITEM #: 10

ELECTION DISTRICT: 10th

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE

COUNCILMANIC DISTRICT: 6th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE

MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE

SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT

A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN.

SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE,

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE

COUNCIL BILL #158-88 ( BALTIMORE COUNTY BUILDING CODE).

USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE

PERMITS & LICENSES

FOLLOWING:

HANDICAPPED.

( ) PARKING LOCATION

( ) BUILDING ACCESS

REQUIRED.

( ) NUMBER PARKING SPACES

BALTIMORE COUNTY BUILDING CODE.

TO COMPLY TO NEW USE REQUIREMENTS.

( ) OTHER - NO OTHER COMMENTS AT THIS TIME.

TOWSON, MARYLAND 21204 - PHONE - 887-3900.

CHECK ITEM APPLICABLE TO THIS PLAN

Zoning Plans Advisory Committee

Enclosures

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines



Your petition has been received and accepted for filing this 12ch day of July, 1990.

ZONING COMMISSIONER

Petitioner: Roger Scott Weinberg, et ux Petitioner's Attorney:

The Company hereby reserves to itself, its successors and assigns, an easement five feet (5') wide along the rear and side lines of all lots or parcels, except where expressly shown otherwise on said plats, for the purpose of sanitary and storm water severs, drainage, electric power and telephone lines, and for other utilities, both above and below the surface of the land, and it further reserves to itself, its successors and assigns, an easement five feet (5') wide along the rear and side lines of all lots and parcels, except where expressly shown otherwise on said plats, for the installation of such facilities and for such alterations of the contour of the land as may be necessary or desirable to effect surface drainage of said lots or parcels in such manner as in the opinion of the Company, its successors and assigns, shall be proper. The Company further reserves any other easements as shown on said plats.

The Company further reserves unto itself, its successors and assigns, the right to grant easements, rights-of-way and licenses to any person, individual, corporate body or municipality; to install and maintain pips lines and underground or above ground lines, with appurtenances necessary thereto for public utilities, or quasi-public utilities or to grant such other licenses or permits as the Company may deem necessary for the improvement of said development in, over, through, upon and across any and all of the roads, streets, avenues, and alleys, and in, over, through, upon and across each and every lot or parcel in the casement areas set forth in this Declaration or as shown on the plats aforesaid. The Company further reserves unto itself, its successors and assigns, the right to dedicate any and all of said its successors and assigns, the right to dedicate any and ell of said road, street, avenue, alley, right-of-way or easement to public use, and no road, street, avenue, alley, right-of-way or easement shall be and no road, street, avenue, alley, right-of-way or easement shall be laid out or constructed through or across any lot or parcel in this laid out or constructed through or across any lot or parcel in this subdivision, except as set forth in this Declaration, or as laid down subdivision, except as set forth in this Declaration, or as laid down and shown on the recorded plats hereinbefore referred to, without the prior written consent of the said Subdivision Committee or its assigns.

## 26. | EASEMENT MAINTENANCE

Within all easements as set forth in these restrictions, or as shown on said plats, no structure, or planting or other material, shall be placed or permitted to remain, or nothing shall be done, which may damage or interfere with the installation and maintenance. of utilities or which may change the direction of flow or drainage channels, in the casements, or which may obstruct or retard the flow channels, in the casements, or which may observed of recard the flow of water through drainage channels or easements. The easement areas of each lot and all improvements in or on it shall be maintained conficted the conficted of the lots except for those improvements for tinuously by the owner of the lots except for those improvements for which a public authority or utility company is responsible.

27. LIMITATION OF APPLICABILITY Mothing herein contained shall be construed or implied to bind or apply to the remaining land of the Company.

AND the said Mortgagee joins herein for the purpose of assenting to and subordinating its said mortgage to the protective restrictions, covenants, and conditions as herein set forth.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

DATE: July 19, 1990

Pat Keller, Deputy Director

Office of Planning and Zoning

SUBJECT: James F. Seal, Item No. 1 James R. Gernhart, Jr., Item No. 3 William A. Jenkins, et al, Item No. 5 Richard M. Post, Item No. 7

Robert Lee Rodowski, Item No. 8 Seven Courts Development Partnership, et al, Item No. 9 Roger Scott Weinberg, Item No. 10 George MacDonald, Item No. 14

Olwyn Diamond, Item No. 419 Philip Diamond, Item No. 420 Mark K. Harvey, Item No. 439 Michael John Reddy, Item No. 440 David Seymour Allen, Item No. 441 Robert Frank Bolling, Item No. 442

Nicholas Stamatacos/Angelina Stamatacos, Item No. 444 Stephen B. Leese, Sr., Item No. 445 Harry R. Kleinhen, Item No. 447

Alpha J. Davis, Jr. Item No. 448 Judith L. Early, Item No. 455 David Shimony, Item No. 456 Kirk Riggs, Item No. 457 James Paskert, Item No. 458 James M. Burke, Item No. 459 John A. Meyers, Item No. 465

In reference to the above-mentioned cases, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

JL 24 mm

LAP LOK JELLION CONTING ALL'HANGE 8 ANNE BROJI GARTH BDIVISION - GREEN GLADE WOODS - SEC II Book 41 Lobio 130 Lot. 7 NINER. ROGER & CHERYL WEINDERG - DRAINAGE 9 UTILITY (20) 91-20-A - PRIVATE DRIVE RIGHT OF WAY SWEET AIR KD LOCATION INTORINGTION Councimenic Dist. b ELECTION DIST 10 1'= 200' SCALE MAP 3D ZONING RC.5

LOT SIZE 469 IBBOX

ACR SUPI

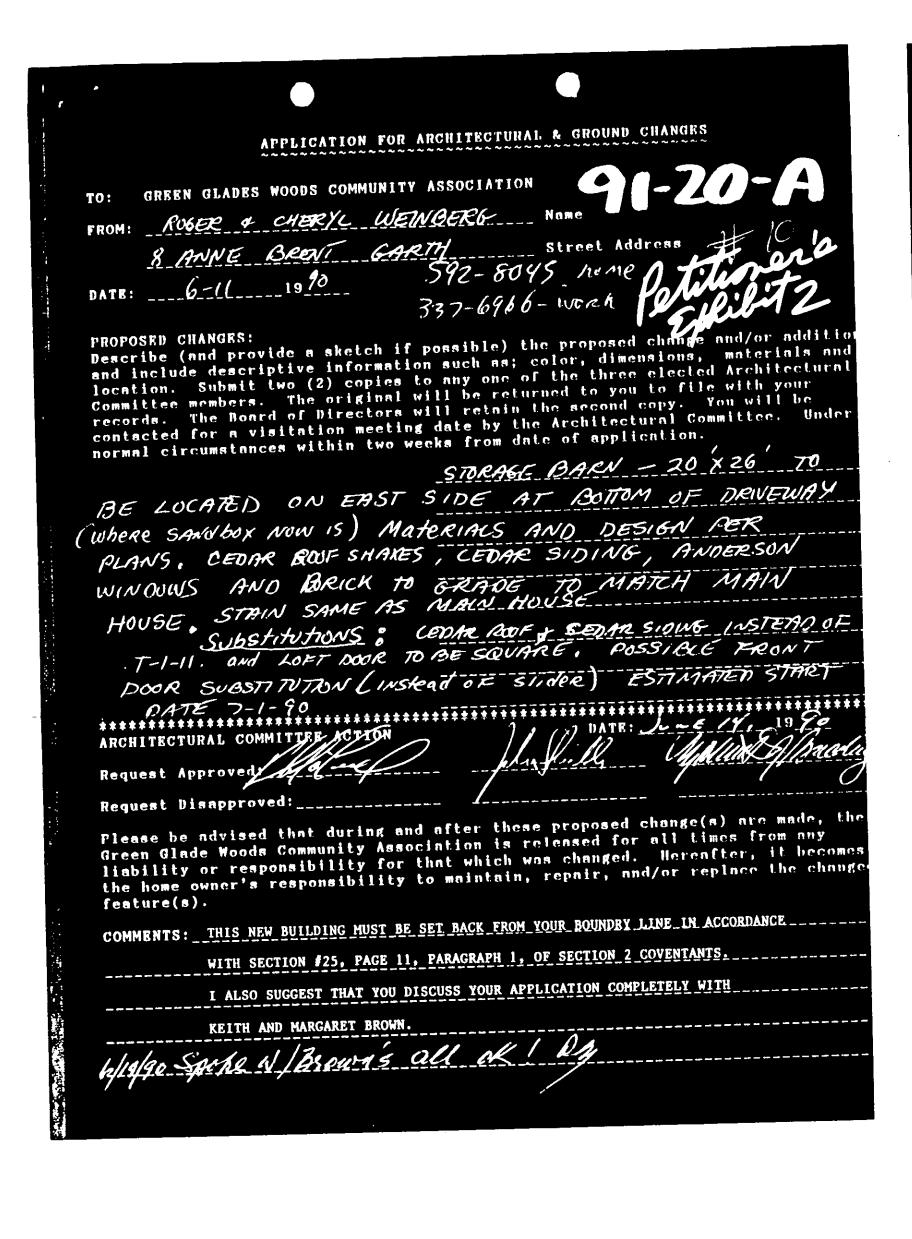
SEWEL+WATER-PRIVATE

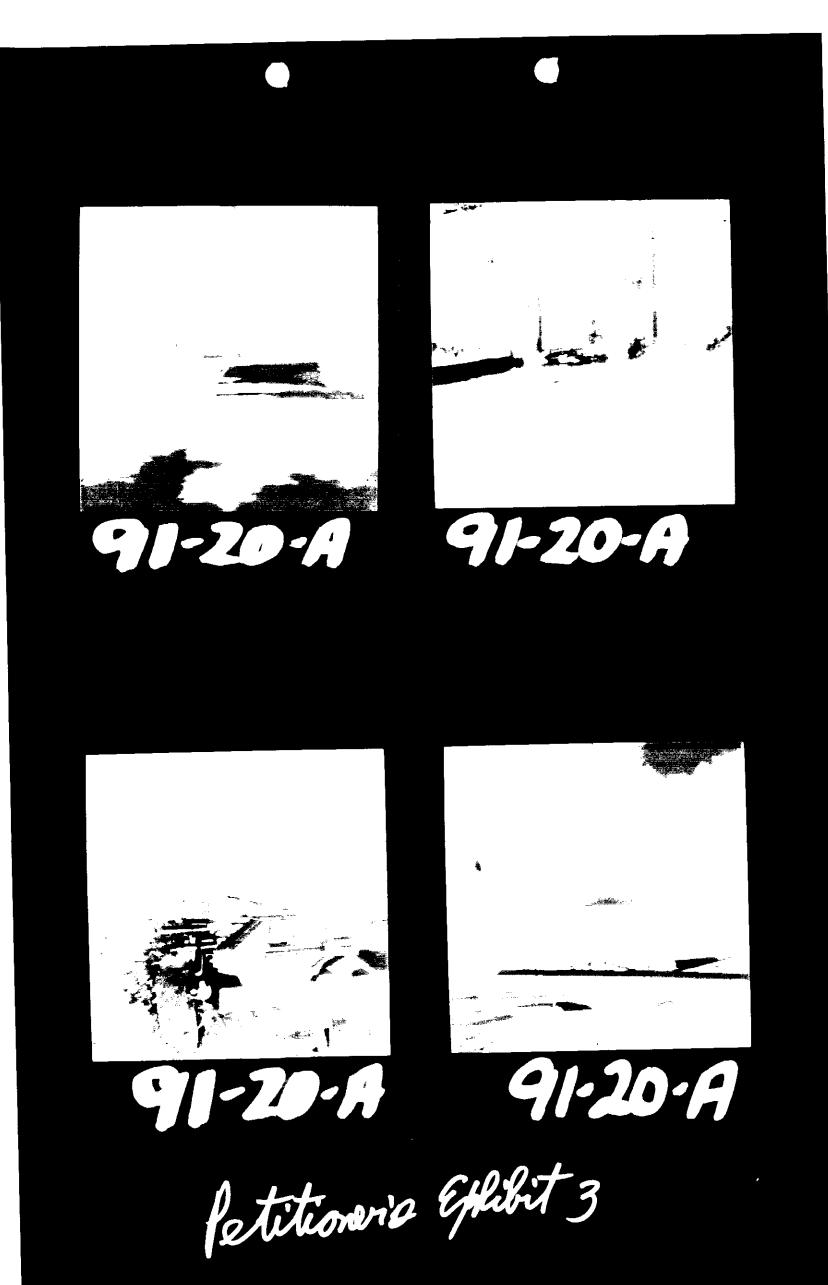
CRITICAL BAY PRIA-NO

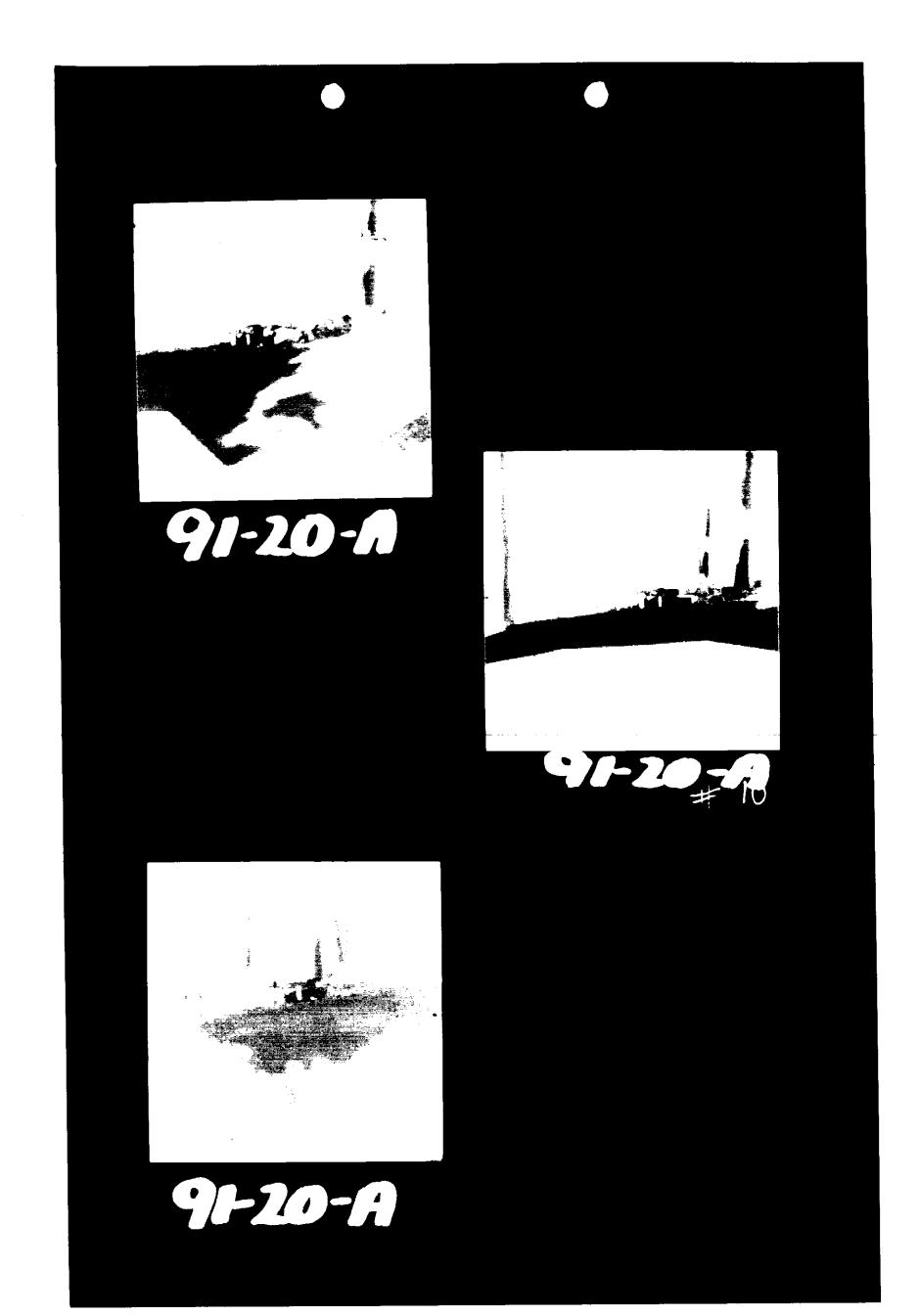
TRIOR ZONING LITTING - NO

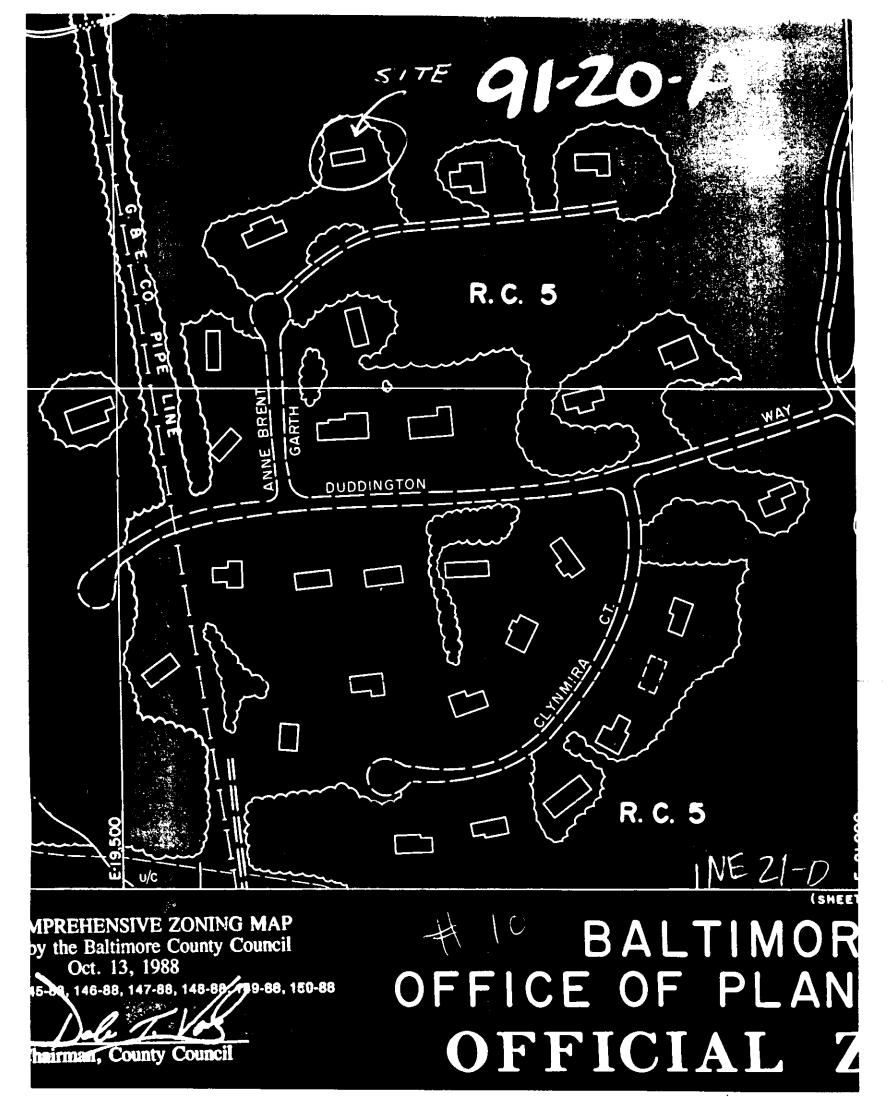
ZONING LITTING - NO DATE - 06-29-90 34 RUF.

JUL 2 4 1980











PREPARED BY AIR PHOTOGRAPHICS, INC. MARTINSBURG, W.V. 25401

PHOTOGRAPHIC MAP